

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DELORIS E. BOAZ,

NO. CV-13-3020-EFS

Plaintiff,

1

10 STATE OF WASHINGTON; TROOPER T.
SHIREY; TROOPER GREGG S. RIDDELL;
11 and CAPTAIN WES ROTHWELL, Field
Operations Bureau.

ORDER DENYING PLAINTIFF'S
CONSTRUED MOTION FOR
RECONSIDERATION AND DENYING
REMAINING MOTIONS AS MOOT

Defendants.

On February 15, 2013, Plaintiff DeLoris Boaz filed a *pro se* civil

15 rights Complaint against three individuals, presumably all of whom are
16 law enforcement officers employed by the Washington State Patrol. ECF

17 | No. 4. On May 1, 2013, the Court screened Plaintiff's Complaint

18 pursuant to 28 U.S.C. § 1915A and found that Plaintiff failed to state

19 a claim upon which relief could be granted. ECF No. 6. The Court

20 | directed Plaintiff to either amend or voluntarily dismiss her

21 | Complaint by July 1, 2013. *Id.* Upon Plaintiff's motion, the Court

22 extended that deadline to July 8, 2013. ECF No. 8. On July 8, 2013,

23 Plaintiff filed an amended complaint. ECF No. 9. On July 10, 2013,

24 Plaintiff's amended complaint¹ was screened and subsequently dismissed

¹ The Court uses the term "amended complaint" somewhat loosely. Despite the Court's prior instruction to the contrary, the pleading was not plainly labeled as a First Amended Complaint. See ECF No. 6, at 6. And as explained

1 for failure to state a claim upon which relief could be granted, and
 2 judgment was entered in favor of Defendants. ECF No. 10.

3 Now before the Court are three documents filed by Plaintiff
 4 DeLoris Boaz, 1) "Application to Proceed in District Court Without
 5 Prepaying Fees or Costs"², ECF No. 12, 2) "Memorandum on Law, and
 6 Notice of Willful violations of law as Objection, and Offer of proof
 7 ER 103(a)(1),(2) Answer to plaintiff's claim for relief; and
 8 Counterclaim," ECF No. 13, and 3) "Memorandum of Law in Support of and
 9 Supplementing My Answer to plaintiff's claim for relief," ECF No. 14.
 10 (Capitalization as in original). The Court notes that while DeLoris
 11 Boaz is the plaintiff in the above-captioned matter, in her pleadings
 12 she refers to herself as "FICTIONAL Defendant" and "Claimant,
 13 aggrieved party" while referring to the State of Washington as the
 14 "Alleged Plaintiff." ECF Nos. 13 & 14. Plaintiff further appears to
 15 conflate who initiated the instant action demanding "[d]ismissal of
 16 [c]ause No. 2:13-CV-0320-EFS" stating

17 I demand a dismissal of issues of Fact, and Law. The State
 18 of Washington in its Original Jurisdiction under the
 fundamental Christian Laws, with the protections afforded
 Me by virtue of My Anglo-Saxon Character.

19 ECF No. 13, at 13. (Capitalization as in original.)

20 Regardless, contained within the Memorandum of Law, and Notice of
 21 Willful Violations, ECF No. 13, and the Memorandum of Law in Support,
 22 ECF No. 14, Plaintiff makes numerous assertions that her rights were
 23 violated, reflecting similar assertions made in her previous

25 in the Court's prior order, ECF No. 10, the pleading failed to comply with
 almost all of the requirements the Court set out in its prior Order granting
 Plaintiff leave to amend. See ECF No. 6, at 5-6.

26 ² This filing includes a notation stating, "Please include request for Counsel
 - D.E.B."

1 complaints. Accordingly, the Court construes Plaintiff's Memorandum
 2 of Law, and Notice of Willful Violations, ECF No. 13, as a motion to
 3 reconsider the Court's earlier dismissal of the Amended Complaint.

4 A motion for reconsideration is "appropriate if the district
 5 court (1) is presented with newly discovered evidence, (2) committed
 6 clear error or the initial decision was manifestly unjust, or (3) if
 7 there is an intervening change in controlling law." *Sch. Dist. No. 1J*
 8 v. *AC&S, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). "[A] motion for
 9 reconsideration should not be granted, absent highly unusual
 10 circumstances." *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665
 11 (9th Cir. 1999). A motion for reconsideration may not be used to
 12 raise arguments or present evidence for the first time when they could
 13 reasonably have been raised earlier in the litigation. *Id.*; *Kona*
 14 *Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).

15 After reviewing the pleadings, the record in this matter, and
 16 applicable authority, the Court is fully informed and finds that
 17 Plaintiff has not met this standard. Plaintiff has merely reasserted
 18 prior complaints, and has not demonstrated any new evidence, how the
 19 prior ruling was in error, or any change in controlling law.
 20 Furthermore, Plaintiff's assertions in her pleadings still do not
 21 state a claim for which relief can be granted. Accordingly,
 22 Plaintiff's Memorandum of Law, and Notice of Willful Violations,
 23 construed as a motion to reconsider, ECF No. 13, is denied.

24 As the matter remains closed, any pending requests to proceed *in*
 25 *forma pauperis* or to receive an attorney are moot.

26 Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Construed Motion to Reconsider, **ECF No. 13**, is
2. **DENIED**.

3. The file is to remain **CLOSED**.

4. All remaining motions are **DENIED AS MOOT**.

5. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3),
6. that an appeal would not be taken in good faith.

7. **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
8. Order and forward a copy to Plaintiff at her last known address.

9. **DATED** this 3rd day of October 2013.

10.

s/ Edward F. Shea
11.

EDWARD F. SHEA
12. Senior United States District Judge